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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

A.S. (YOB: 2007), a minor child, A.S. (YOB:
2001), a minor child, D.S., a minor child, and
N.S., a minor child,

Plaintiffs,

v.

STATE OF WASHINGTON; WASHINGTON
STATE DEPARTMENT OF SOCIAL AND
HEALTH SERVICES; WASHINGTON STATE
DEPARTMENT OF CHILD PROTECTIVE
SERVICES; DIVISION OF CHILDREN AND
FAMILY SERVICES; MATTHEW PAYNE &
ADRIANNA PAYNE, and the marital
community comprised thereof; ANDREA
QUINTERO, JAMIE MCCLAUCHLAN,
SANDRA NORTH, SONJA CARY, JUANITA
JACHETTA, CHERYL HEIN, LINDA AIKEN,
JEFF KINCAID, JOY MCCLENDON and
CYNTHIA WOOD,

Defendants.

NO. 2:15-CV-00208-TOR

**MOTION FOR LEAVE TO
FILE RESPONSE TO
SUMMARY JUDGMENT
MOTION**

**WITHOUT ORAL ARGUMENT
Hearing Date:**

COMES NOW, Plaintiff, A.S. (YOB: 2007), a minor child, A.S. (YOB:
2001), a minor child, D.S., a minor child, and N.S., a minor child, by and through
attorneys, Douglas D. Phelps of Phelps & Associates P.S. and Stephen Hormel of

1 Hormel Law Office, and hereby hereby moves this Honorable Court for leave to
2 allow the Plaintiffs to fail a response to Defendant's Motion for Summary
3 Judgment on December 30, 2016. Due to a scheduling error the response was not
4 filed timely. A stipulation has been requested from defense counsel; however,
5 no response has been forthcoming. This Motion is made pursuant to Rule 12 of
6 the Federal Rules of Civil Procedure.
7

8
9 The State's Defendants reply shall be due January 9, 2017 or a date to be
10 set by the court.
11

12 DATED at Spokane, Washington, this 30th day of December, 2016.

13 PHELPS & ASSOCIATES, P.S.
14
15

16 /s/ Douglas D. Phelps
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21 *and*

22 HORMEL LAW OFFICE
23

24 /s/ Stephen Hormel
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CERTIFICATE OF SERVICE

I certify that I electronically filed the above document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I declare under penalty of perjury under the law of the State of Washington that the foregoing is true and correct.

DATED THIS 30th day of December, 2016, at Spokane, Washington.

/s/ Douglas D. Phelps
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